

THE CORPORATION OF THE TOWNSHIP OF BROCK

**BY-LAW NUMBER 1637-2000-PP
AS AMENDED BY BY-LAW NUMBER 2069-2007-PP, 2270-2010-PP,
2361-2011-PP, AND 2548-2014-PP, 2613-2015-PP
(CONSOLIDATED VERSION)**

BEING A BY-LAW TO REGULATE THE SETTING OF FIRES IN THE OPEN AIR IN
THE TOWNSHIP OF BROCK

WHEREAS, the *Fire Protection and Prevention Act*, S.O. 1997, c. 4, section 7.1, as amended, provides that the Council of the Corporation of the Township of Brock may pass a by-law to permit, regulate, prohibit and control open air burning;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF BROCK HEREBY ENACTS AS FOLLOWS:

1. Definitions

- (a) "APPLICANT" shall include a person who makes an application for a permit under this by-law and includes an agent authorized to make such an application.
- (b) "APPROVED" shall mean approved by the Chief Fire Official (Fire Chief) and/or designate.
- (c) "BARBEQUE" shall mean appliances including a hibachi, a structure designed and intended solely for the cooking of food in the open air, and other similar commercially manufactured devices designed and intended for the cooking of food in the open air, but shall not include devices predominantly used for personal warmth.
- (d) "BARREL and/or METAL CONTAINER" shall mean a structure made of non-combustible material not exceeding 1 metre in diameter, 1 metre in height which is topped with a screen that has openings no larger than 6 mm in diameter and which is securely mounted on level ground.
- (e) "BURNING PERMIT" shall mean a written permit issued by the Fire Chief and/or designate granting permission to burn in the open air or in a barrel and/or metal container and establishing conditions under which the permission is granted.
- (f) "BY-LAW ENFORCEMENT OFFICER" shall mean the By-Law Enforcement Officer of the Corporation of the Township of Brock or their designate.
- (g) "COOKING FIRE" shall mean a small confined fire, supervised at all times, used to cook food being a maximum size of 0.6 metres x 0.6 metres and contained by non-combustible material such as cement blocks, rocks, etc.
- (h) "CHIEF FIRE OFFICIAL" shall mean the Fire Chief of the Township of Brock or such employees of the Corporation of the Township of Brock who have been designated for the purposes of administration of this By-law.
- (i) "COUNCIL" shall mean the Council of The Corporation of the Township of Brock.
- (j) "DANGEROUS CONDITION", shall include, but is not limited to a lack of precipitation which increases the risk of the spread of fire; wind speeds which, in the opinion of the Fire Chief, increases the risk of the spread of fire; any other condition declared by the Fire Chief which increases the risk of the spread of fire; or, an odour to the extent or degree that may cause discomfort to those persons in the immediate area or that is deemed to be in contravention of the provisions of the Environmental Protection Act, R..S.O. 1990, as amended.

- (k) "EQUIPMENT AND RESOURCES", shall include, but is not limited to, sufficient personnel and/or equipment such as rakes, shovels, backhoes, bulldozers, front-end loaders, excavators or water on-site required or used for controlling and/or suppressing a fire.
 - (l) "FARM" shall mean any farming or agricultural use and includes berry or bush crops; breeding, raising or training horses or cattle; farms for grazing; flower gardening; field crops; goat or cattle dairies; growing, raising, picking, treating and storing of vegetable or fruit produce produced on the premises; mushroom farms; nurseries, orchards, riding stables; the raising of sheep or goats; the raising of swine, tree crops; market gardening; wood lots; such uses or enterprises as are customarily carried on in the field of general agriculture.
 - (m) "FIRE" shall include a fire set by any person within the boundaries of the Township but does not include an enclosed fire.
 - (n) "FIRE DEPARTMENT" shall mean the Fire Department of the Township of Brock.
 - (o) "FIRE CHIEF" shall mean the Fire Chief of the Corporation of the Township of Brock, or their designate.
 - (p) "MUNICIPALITY" shall mean the Corporation of The Township of Brock.
 - (q) "ONTARIO FIRE CODE" shall mean O. Reg. 213/07 made under the Fire Protection and Prevention Act 1997, S.O. 1997. c. 4, as amended.
 - (r) "OPEN AIR BURN" shall mean the burning of materials such as clean wood, tree limbs, brush, farm vegetation where the flame is not wholly contained. "Open air burning" or "Burn in the Open Air" shall have the same meaning.
 - (s) "OVERSIZED BURN PERMIT" shall mean an area of burn in the open air not exceeding 6.5 metres in width, 6.5 metres in length, and 3.3 metres in height.
 - (t) "OWNER" shall mean the registered or beneficial owner of land where a fire is set and/or the person(s) shown on the most recent Assessment Roll.
 - (u) "REASONABLE SIZE" shall mean a maximum size of 0.6 metres x 0.6 metres.
 - (v) "RECREATIONAL FIRE" shall mean a supervised fire used for warmth and/or cooking.
 - (w) "TENANT" shall mean a person(s) who rents or leases a premises.
 - (x) "TOWNSHIP" shall mean the Corporation of the Township of Brock."
2. No person shall start, set, maintain or allow to burn a fire in the open air for any purpose in the Township of Brock except in accordance with the provisions of this by-law and **only** during the time **from one-half hour before sunrise** and to **one-half hour after sunset** on any day except as otherwise hereinafter permitted.
 3. No person shall start, set, maintain or allow to burn a fire in the open air in the Township of Brock, or in a barrel and/or metal container located within the Shoreline Residential (SR) Zone category as demarcated in the comprehensive Zoning By-law Number 287-78-PL, unless the owner/tenant has obtained a Burning permit, upon the payment of the specified fee as set out in the Fees By-law, from the Township of Brock Fire Department, at which time the permit will be considered active. The material to be burned shall be limited to wood or by-products of wood and shall not include the burning of grass or leaves.

- (a) Unless otherwise stipulated in writing by the Fire Chief or designate, a Burning Permit shall be active for a period of a maximum thirty (30) days each time any Open Air Burn permit is issued.
 - (b) To reactivate the Burning Permit at the end of the thirty (30) day period, the applicant must call the Township of Brock Fire Department Administration at (705) 432-2355, extension 234, and provide the following information:

Name, address, telephone number, location of burn and permit number.
 - (c) All Burning Permits shall expire at 11:59 p.m. on the 31st day of December of the year the permit was originally issued.
 - (d) The Fire Chief or designate shall keep an accurate record of all Burning permits, and where an applicant telephones to reactivate a permit such information shall be recorded.
4. Any person starting, setting, maintaining, or allowing to burn a fire in the open air in the Township of Brock, or in a barrel and/or metal container located within the Shoreline Residential (SR) Zone category as demarcated in the comprehensive Zoning By-law Number 287-78-PL, shall:
- (a) prior to starting, setting, maintaining, or allowing to burn on any day, shall contact the Fire Department at (705) 432-2355 extension 234 to confirm that it is safe to do so;
 - (b) prior to starting, setting, maintaining, or allowing to burn in accordance with an Oversized Burn Permit, where permitted pursuant to section 8 of this by-law, on any day, shall contact the Fire Department at (705) 432-2355, extension 234 to confirm that it is safe to do so;
 - (c) ensure that the means of extinguishing the fire designated on the permit form is available at the site at all times during the fire;
 - (d) ensure that any necessary permit issued in accordance with the requirements of the by-law is readily available at the site;
 - (e) be responsible for any damage to property or injury to persons occasioned by said fire;
 - (f) be liable for the cost of any attendance by the Fire Department and/or Fire Department personnel of the Township for the purposes of extinguishing any fire that is set, started, maintained or allowed to burn, which is not in accordance with or in compliance with any provision of this by-law. The costs that any such person is liable for shall be determined and assessed in accordance with the Fees By-law;
 - (g) in addition to any other remedy available to the Township of Brock, the said costs as determined and assessed in accordance with the Fees By-law may be recovered in like manner as municipal taxes.
5. A Burning Permit may be cancelled or suspended at any time by the Fire Chief or his designate and immediately upon receiving notice of such cancellation or suspension, the permittee shall extinguish any fire started under the permit.
6. Any person starting, setting, maintaining, or allowing to burn a fire in the open air in the Township of Brock, or in a barrel and/or metal container located within the Shoreline Residential (SR) Zone category as demarcated in the comprehensive Zoning By-law Number 287-78-PL, shall ensure that:
- (a) the fire does not cause smoke or fire damage to property or injury to persons;
 - (b) the fire does not decrease visibility or create a hazard on any public or private roadway;

- (c) the fire does not spread rapidly through any grass or brush area;
- (d) the fire is not greater than 1.5 cubic metres in diameter and 1.5 metres in height;
- (e) the fire is not set under weather conditions that limit the rapid dispersion of smoke;
- (f) no petroleum products, plastics, rubber or other materials that create excessive or toxic smoke or excessive odour are burned in the fire;
- (g) the fire is not located within 15 metres of any building, structure or overhead wire;
- (h) all flammable vegetation and materials are cleared from the area within a 7.5 metre radius of the fire; and
- (i) the fire is attended at all times by the person to whom the permit was issued or another responsible adult until the fire is extinguished.

7. NOTWITHSTANDING any other provision, nothing in this by-law shall:

- (a) prevent the starting, setting, maintaining or allowing of a fire, consisting of wood, wood by-products or charcoal in a barbecue unit, provided:
 - i) the unit is safely constructed ;
 - ii) the unit is located in a safe, cleared area;
 - iii) the fire is of reasonable size;
 - iv) the fire is a Cooking Fire for cooking purposes only; and
 - v) the provisions of Section 6 of this by-law are complied with;
- (b) prevent the starting, setting, maintaining or allowing of a fire, consisting of wood or wood by-products, in a barrel or metal container unit, provided:
 - i) the unit is safely constructed;
 - ii) the unit does not exceed 1 metre in diameter and 1 metre in height;
 - iii) the unit is located in a safe, cleared area;
 - iv) the fire is of a reasonable size; and
 - v) notwithstanding subsection 6 (d), the provisions of Section 6 of this by-law are complied with;
- (c) prevent the starting, setting, maintaining or allowing of a Recreational Fire, consisting of wood or wood by-products, in a safe cleared area, provided:
 - i) the fire is of a Reasonable Size; and,
 - iii) the provisions of Section 6 of this by-law are complied with.

8. Notwithstanding the provisions of Section 6 (d), a farmer who intends to set or maintain a fire in the open air for the disposal of vegetable matter or vegetation on farm lands which is normal and incidental for farming purposes, shall first obtain an Open Air Burn permit valid for a period of a maximum of thirty (30) days. Such a permit and an exemption to Section 6 (d) shall only be approved by the Fire Chief or designate upon the completion of a site inspection and shall be specifically noted on the permit as an Oversized Burn permit.

9. (a) No person shall start, set, maintain, or allow to burn a fire in the open air on any public highway or park within the Township or within the designated urban areas of Beaverton, Cannington and Sunderland as demarcated within the Township of Brock Official Plan, or those lands within the hamlets of Gamebridge, Port Bolster, Wilfrid, Manilla, Sonya as demarcated within the Township of Brock Official Plan, or those lands within the Rural Residential (RR) and Shoreline Residential (SR) Zone categories as demarcated within By-law No. 287-78-PL, the comprehensive Zoning By-law, or those lots fronting the Pines Lane except as may be permitted in Section 7 of this By-

law and subject to any other by-law regulating public highways or parks in the Township.

- (b) No person shall start, set, maintain, or allow to burn a fire in a barrel and/or metal container on any public highway or park within the Township or within the designated urban areas of Beaverton, Cannington and Sunderland as demarcated within the Township of Brock Official Plan, or those lands within the hamlets of Gamebridge, Port Bolster, Wilfrid, Manilla, Sonya as demarcated within the Township of Brock Official Plan, or those lands within the Rural Residential (RR) Zone categories as demarcated within By-law No. 287-78-PL, the comprehensive Zoning By-law, or those lots fronting the Pines Lane except as may be permitted in Section 7 of this By-law and subject to any other by-law regulating public highways or parks in the Township.
10. This by-law shall be enforced by the Fire Chief or designate and/or any By-law Enforcement Officer of the Township.
11. Any person who contravenes any provision of this by-law is guilty of an offence and shall, upon conviction, be liable to a fine and or imprisonment for each offence, exclusive of costs, as prescribed by the *Fire Protection and Prevention Act*, S.O. 1997, c. 4.
12. This by-law shall be subject to and shall not apply to any fires or classes thereof which are regulated or dealt with in the *Environmental Protection Act*, R.S.O. 1990 (and the regulations thereunder), or any other Statute (and regulations thereunder) of the Crown in Right of the Province of Ontario or the Crown in Right of the Government of Canada.
13. If any section, clause or provision of this by-law is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the by-law as a whole or any part thereof other than the section, clause or provision so declared to be invalid. It is hereby declared to be the intention that all remaining sections, clauses or provisions shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof shall have been declared to be invalid.
14. The short title of this by-law shall be the "Open Air Burning By-law".
15. This by-law shall come into full force and effect on the date of passage hereof.
16. By-laws numbered 1403-96-PP and 1524-98-PP, respectively, are hereby repealed.

BY-LAW 1637-2000-PP READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED this 29th day of May, 2000.

"G.S. Graham"
Clerk-Administrator

"Keith Shier"
Mayor

BY-LAW 2069-2007-PP READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED this 16th day of April, 2007.

"G.S. Graham"
Clerk-Administrator

"Larry O'Connor"
Mayor

BY-LAW 2270-2010-PP READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED this 29th day of March, 2010.

"Thomas G. Gettinby"
Clerk

"Larry O'Connor"
Mayor

BY-LAW 2361-2011-PP READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED this 8th day of August 8, 2011.

“Thomas G. Gettinby”
Clerk

“W. Terry Clayton”
Mayor

BY-LAW 2548-2014-PP READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED this 2nd day of June, 2014.

“Thomas G. Gettinby”
Clerk

“W. Terry Clayton”
Mayor

BY-LAW 2613-2015-PP READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED this 19th day of October, 2015.

“Thomas G. Gettinby”
Clerk

“John Grant”
Mayor